

REMARKS/ARGUMENTS

It is asserted that these amendments do not add new matter and are supported by the specification and claims as originally filed. Entry of these claims is respectfully requested.

Claims 12-17 have been rejected.

Claims 12, 16 and 17 have been amended.

Claims 13 and 14 are kept unchanged.

Claim 15 is cancelled.

New claims 18-20 are filed.

Claims 12-14 and 16-20 are pending in the application.

Claims 12 through 17 are objected to.

As stressed out by the Examiner, the formula comprises an obvious clerical error which has been fixed by drawing R⁰ close to the silicon atom. Thus, R⁰ does not look like bonded to an oxygen atom any more. Page 2 of the specification has been amended accordingly. However, that formula is already written in a correct manner in claim 12.

Claim 12 is further amended to make it clear that the borate-type photoinitiator, has a borate residue (and not a cationic entity) of formula:

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1' : [B(C ₆ F ₅) ₄] ⁻	5' : [B(C ₆ H ₃ (CF ₃) ₂) ₄] ⁻
2' : [(C ₆ F ₅) ₂ BF ₂] ⁻	6' : [B(C ₆ H ₃ F ₂) ₄] ⁻
3' : [B(C ₆ H ₄ CF ₃) ₄] ⁻	7' : [C ₆ F ₅ BF ₃] ⁻
4' : [B(C ₆ F ₄ OCF ₃) ₄] ⁻	

The objection to claim 15 is now moot because claim 15 has been cancelled.

For these reasons, Applicant respectfully requests that the Examiner now reconsider and withdraw the objections to claims 12-17.

Claim 17, rejected under 35 U.S.C. § 112, second paragraph, for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention, has been amended as suggested by the Examiner.

Claims 12-15 and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by, in the alternative, under 35 U.S.C. 103(a) as being obvious over Priou et al., U.S. Patent # 5,703,137.

The technical goal of the instant invention is to provide a low shrinking polymerizable and/or crosslinkable dental composition which:

- is polymerizable and/or crosslinkable in an oral environment, with initiator(s) fully - active in an environment comprising a major part of dental filler which is radioopaque and thus which is not suited for polymerization/crosslinkage,
- does not exhibit use problems under irradiation,
- is not toxic,
- adheres enough to the dental supports, and, above all,

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- is not subject to high volume shrinkage.

The claimed composition actually solves this technical problem, by implementing particular functionalized silicones (1), specific photosensitizers (2) of formulas (IV) to (XXII), dental fillers (3) and selected borate-type photoinitiators (4).

Priou, does not describe nor suggest this advantageous combination (1), (2), (3), (4) in view of:

being efficient with high concentrations of dental filler, and
significantly reducing volume shrinkage.

Priou et al do not care about high volume shrinkage of dental crosslinkable compositions, but rather cationically crosslinkable silicone for the production of anti-adhesive coatings (please see column 1, lines 40-42 of the Priou patent).

Priou et al only disclose the possibility of the presence of one photosensitizer which can be equally toluene, pyridine, ferrocene, benzene, thioxanthane, anthracene, or benzophenone. However, there is none of these photosensitizers in the Priou et al examples.

In addition, Priou et al assert that the non dental composition may comprise various additives, and notably fumed silica among numerous others.

There is no suggestion whatsoever by Priou of implementing a dental filler present in a high quantity of at least 10% by weight, which is likely to hamper the action of the photoinitiator (and, eventually, of any photosensitizer).

The four components of the claimed dental composition of the instant invention (1) (2) (3) (4) are compulsory to reduce the volume shrinkage;

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Furthermore, the unobvious association of photosensitizer (2) & photoinitiator (4) is also essential to obtain a good crosslinking.

Priou's examples rather encourage one skilled in the art to use a borate-type initiator with an accelerator, without any dental filler and without any photosensitizer.

For these reasons, Applicant respectfully requests that the Examiner now reconsider and withdraw the rejection of claims 12-15 and 17 under 35 U.S.C. 35 U.S.C. 102(e) as being anticipated by, in the alternative, under 35 U.S.C. 103(a) as being obvious over Priou et al., U.S. Patent # 5, 703, 137.

The rejection of the claims under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-4 of US Patent No. **.6,747,071** is now moot because Applicants are herewith filing a terminal disclaimer in compliance with 37 CFR 1.321 (c).

According to the OG Notice of 12/26/01 "Guidelines Setting Forth a Modified Policy, the undersigned Agent of record makes the statement that the instant application and the reference: US Patent No.**.6,747,071** were, at the time the invention was made, owned by, or subject to an obligation of assignment to, the same person, either Rhone-Poulenc Chimie or Rhodia-Chimie, keeping in mind that Rhone-Poulenc Chimie has changed its name into Rhodia-Chimie on December 30th, 1997 as shown by the copy of the Certificate of Change of Name herewith enclosed.

Allowable claim 16 has been rewritten in independent form including all the limitations of the base claim. New claims 18-20 are similar to claims 13, 14 and 17 but dependent upon claim 16.

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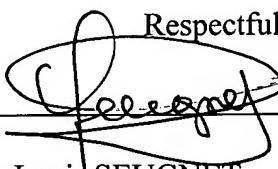
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In view of the preceding remarks, it is asserted that the patent application is in condition for allowance. Should the Examiner have any question concerning these remarks that would further advance prosecution of the claims to allowance, the examiner is cordially invited to telephone the undersigned agent at (609) 860-4180. A notice of allowance is respectfully solicited.

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